

The MPEP states the following with regard to stating a prima facie case of restriction between patentably distinct inventions:

“There are two criteria for a proper requirement for restriction between patentably distinct inventions:

1) The inventions must be independent (see MPEP 802.01, 806.04, 808.01) **or distinct as claimed** (see MPEP 806.05-806.05(i)); and

2) There must be a **serious burden on the examiner** if restriction is not required (see MPEP 803.02, 806.04(a) - 806.04(j), 808.01(a) and 808.02).

Both inventions would be searched within the same classes and subclasses. Even if some of the species would be classified separately, a thorough search of the prior art for any one of the inventions would include the classes and subclasses of the other inventions.

All of the claims recite related inventions in that each recites methods for treating adverse effects associated with a disruption of GABP's metabolic pathway. Although claims 26-50 identify compounds to be tested for treating these adverse effects instead of treating the effects themselves, a coextensive search is clearly required for both groups of inventions. A search for one group would uncover the relevant references for both groups.

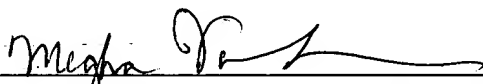
More specifically, a thorough search would most likely be done through an online database. The keywords used in both searches would be almost entirely duplicative. Art relevant to a method of identifying compounds to be tested for treating the adverse effects associated with a disruption of GABP's metabolic pathway would be desirable to review when searching for methods for treating those adverse effects. Even if the references discovered were not material to the patentability of the claims in both groups, this would be a logical search pattern. Therefore, the Applicant believes that there is no serious burden on the Examiner to search both groups.

The Applicant requests that the restriction requirement be withdrawn. If the Examiner disagrees, or believes for any other reason that direct contact with Applicants' agent would

advance the prosecution of the case to finality, he is invited to telephone the undersigned at the number given below.

"Recognizing that Internet communications are not secured, I hereby authorize the PTO to communicate with me concerning any subject matter of this application by electronic mail. I understand that a copy of these communications will be made of record in the application file."

Respectfully Submitted:  
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